IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA CHARLESTON DIVISION IN ADMIRALTY

TIFFANY N. PROVENCE, as the Personal Representative for the Estate of Juan Antonio Villalobos Hernandez, Plaintiff,	Civil Action No.: 2:21-CV-965-RMG
Piaintiii,)	
vs.) UNITED STATES OF AMERICA,) CROWLEY MARITIME CORPORATION,) CROWLEY GOVERNMENT SERVICES, INC., DETYENS SHIPYARDS, INC., and HIGHTRAK STAFFING, INC. d/b/a) HITRAK STAFFING, INC.	RESPONSE OF UNITED STATES OF AMERICA, CROWLEY MARITIME CORPORATION and CROWLEY GOVERNMENT SERVICES, INC., TO SUMMARY JUDGMENT MOTION OF DETYENS SHIPYARDS, INC.
) Defendants.)	
Defendants.	

Defendants United States of America, Crowley Maritime Corporation and Crowley Government Services, Inc. (collectively "Vessel Defendants") submit the following response to the summary judgment motion of Detyens Shipyards, Inc. ("DSI").

Whether Plaintiff's decedent was DSI's statutory employee is a matter between Detyens and Plaintiff. If, as DSI contends in its motion, the decedent was DSI's statutory employee, then the Vessel Defendants agree that 33 U.S.C. § 905(b) would bar the Vessel Defendants' crossclaims against DSI. If, on the other hand, DSI was not the decedent's statutory employer, then 33 U.S.C. § 905(b) would not shield DSI against those same cross-claims. That is to say, the merits of DSI's motion insofar as it relates to the Vessel Defendants are inextricable from its merits with regard to Plaintiff. DSI's motion must either be granted as to all parties or denied as to all parties.

August 2, 2022 North Charleston, SC Respectfully submitted,

ADAIR FORD BOROUGHS United States Attorney

WILLIAM JORDAN Assistant U.S. Attorney

MICHELLE DELEMARRE
Senior Admiralty Counsel
U.S. Department of Justice
Civil Division, Torts Branch
Aviation & Admiralty Litigation
P.O. Box 14271
Washington, D.C. 20044-4271
(202) 598-0285 (cell phone)
(202) 616-4037 (office)
(202) 616-4159 (fax)
Michelle.delemarre@usdoj.gov

Attorneys for the United States

By: /s/ Ryan Gilsenan
Ryan Gilsenan, Fed I.D. No. 9837
Julius H. Hines, Fed. I.D. No. 5807
Edward N. Smith, Fed I.D. No. 13429
1535 Hobby Street, Suite 203-D
Charleston Navy Yard
North Charleston, SC 29405
T: 843.266.7577
gilsenan@hinesandgilsenan.com
hines@hinesandgilsenan.com
smith@hinesandgilsenan.com

Counsel for the Defendants United States of America, Crowley Maritime Corporation, and Crowley Government Services, Inc.